



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during October 2006
DISTRIBUTED: November 3, 2006

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and, impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Boralex Ashland, Inc., Boralex Livermore Falls, Inc., Boralex Fort Fairfield, Inc., Boralex Stratton Energy, Inc., Boralex, Inc., Ashland, Livermore Falls, Fort Fairfield, and Stratton, Maine. Boralex Ashland, Inc., Boralex Livermore Falls, Inc., Boralex Fort Fairfield, Inc., and Boralex Stratton Energy, Inc. (collectively "Boralex") violated provisions of their respective air emission licenses issued pursuant to Maine's *Protection and Improvement of Air* laws. Boralex Ashland, Inc., Boralex Livermore Falls, Inc., and Boralex Stratton Energy, Inc. exceeded license limits for opacity, nitrogen Oxide (NOx), and carbon monoxide (CO). Boralex Fort Fairfield, Inc. exceeded license limits for opacity and NOx. In addition, Boralex Stratton Energy, Inc. failed to operate NOx monitors as required and failed to operate the facility's continuous opacity monitor as required. Boralex Livermore Falls, Inc. failed to comply with the facility's fuel storage and handling requirements resulting in intermittent smoldering and spontaneous combustion of fuel material. To resolve the violations, Boralex paid \$114,958.00 as a civil monetary penalty. Of the \$114,958.00 penalty, \$91,966.40 will be utilized to complete three Supplemental Environmental Projects as follows: \$60,400.00 for the placement and maintenance of a mercury monitoring station in Caribou; \$20,000.00 for aquatic habitat restoration at Jimmie's Pond in Manchester; and \$11,566.40 for the restoration of a fishway on the Little Madawaska River at the former Loring Air Force base.

FMC Corporation, Rockland, Maine. FMC Corporation ("FMC") violated provisions of its air emission license issued pursuant to Maine's *Protection and Improvement of Air* laws. FMC failed to timely submit semi-annual reports and an annual compliance certification. Following Department involvement, FMC submitted the required reports. To resolve the violations, FMC paid \$6,000.00 as a civil monetary penalty.

Sam's East, Inc., Scarborough, Augusta, and Bangor, Maine. Sam's East, Inc. ("Sam's") violated provisions of the Department's rules for *Portable Fuel Container Spillage Control*. Sam's sold 62 fuel containers that failed to meet the requirements of the rule. Following Department involvement, Sam's initiated a recall for the non-compliant containers. To resolve the violations, Sam's paid \$1,430.00 as a civil monetary penalty.

Timothy H. Gott, Southwest Harbor, Maine. Timothy H. Gott ("Gott") violated provisions of Maine's *Natural Resources Protection Act* by filling approximately 9,400 square feet of freshwater wetland without first obtaining a permit from the Department. Additionally, Gott violated the *Site Location of Development Act* by beginning construction of a subdivision without first obtaining a permit from the Department. Approximately 1,900 feet of a roadway had been cleared, grubbed, and graveled. To resolve the violations, Gott agreed to submit after-the-fact applications under the *Natural Resources Protection Act* and *Site Location of Development Act*, and, if accepted, to comply with all terms and conditions of the after-the-fact permit or permits, or, if denied, to submit a restoration plan to restore the wetland to its pre-construction condition and remove the road. Gott paid \$5,900.00 as a civil monetary penalty.



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William Kline and Georgina Kline, Hancock, Maine. William Kline and Georgina Kline (“the Klines”) violated provisions of Maine’s *Natural Resources Protection Act* by causing the cutting and removal of vegetation and the displacement of soil along approximately 190 linear feet of the Skillings River, which is a coastal wetland under Maine law. Additionally, the Klines violated the *Erosion and Sedimentation Control Law* by failing to take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Following Department involvement, the Klines stabilized the site to the Department’s satisfaction. To resolve the violations, the Klines paid \$1,125.00 as a civil monetary penalty.

Dec-Tam Corporation, Kittery, Maine. Dec-Tam Corporation (“Dec-Tam”) violated provisions of the Department’s *Asbestos Management Regulations* by failing to label and designate work boots worn under protective suits as for asbestos use only and failing to construct a decontamination facility clean room of an appropriate size. Following Department involvement, Dec-Tam delivered labeled boots to the site and increased the size of the site’s clean room. To resolve the violations, Dec-Tam paid \$1,500.00 as a civil monetary penalty.

District Court Enforcement Resolutions (case caption followed by location of violation):

State of Maine, Department of Environmental Protection v. Dana and Linda Toothaker, and Regan Pingree, Avon, Maine. The Toothaker’s and Pingree violated Maine’s *Erosion and Sedimentation Control Law* and *Protection and Improvement of Waters* laws by failing to implement appropriate erosion control measures during a timber harvest, thereby, allowing sediment to wash into an unnamed stream. Following Department involvement, the Toothaker’s and Pingree stabilized the site. To resolve the violations, the Toothakers and Pingree paid \$750.00 as a civil monetary penalty.